

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF NEW YORK****MINUTE ENTRY FOR A CRIMINAL PROCEEDING**  
**□ SEALED PROCEEDING**

**BEFORE:** Judge Joseph F. Bianco, USCJ (Sitting by designation.)  
**DATE:** 11/23/2020  
**TIME:** 11:00 AM (Hrs.) 46 (Mins.)  
**DOCKET:** 13-CR-0607 (JFB)( )  
**TITLE:** USA v. Kenner, et al

**APPEARANCES:**

**DEFENDANT:** Phillip Kenner Deft. # 1  
 Present  Not Present  In Custody  On Bond

**COUNSEL:** Matthew Brissenden  
 Retained  Federal Defender  CJA  Advisory Counsel

**DEFENDANT:** Tommy Constantine Deft. # 2  
 Present  Not Present  In Custody  On Bond

**COUNSEL:** Sanford Talkin  
 Retained  Federal Defender  CJA

**DEFENDANT:** \_\_\_\_\_ Deft. # \_\_\_\_\_  
 Present  Not Present  In Custody  On Bond

**COUNSEL:** \_\_\_\_\_  
 Retained  Federal Defender  CJA

**DEFENDANT:** \_\_\_\_\_ Deft. # \_\_\_\_\_  
 Present  Not Present  In Custody  On Bond

**COUNSEL:** \_\_\_\_\_  
 Retained  Federal Defender  CJA

**GOVERNMENT:** Diane Leonardo and Madeline O'Connor

**COURT REPORTER:** \_\_\_\_\_

**PROBATION/PRETRIAL:** \_\_\_\_\_

**FTR TIME:** 11:13 - 11:59

**INTERPRETER:** \_\_\_\_\_  
 Sworn  Spanish  Other: \_\_\_\_\_

**COURTROOM DEPUTY:** ELR for MS

SEE ADDITIONAL APPEARANCES PAGE

**The following proceeding(s) was/were held:**

- Status Conference
- Motion Hearing/Oral Argument
- Evidentiary Hearing
- Curcio Hearing
- Bail Application/Modification Hearing

Order of Referral received from District Judge \_\_\_\_\_ and signed by all parties.

Status conference held regarding the charge(s) outlined in the:

- Complaint
- Juvenile Information
- Misdemeanor Information
- Felony Information
- Felony Indictment
- Superseding Juvenile Information (S-\_\_\_\_)
- Superseding Information (S-\_\_\_\_)
- Superseding Indictment (S-\_\_\_\_)

Defendant(s) \_\_\_\_\_ waive(s) Speedy Indictment from \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_.

Defendant(s) \_\_\_\_\_ waive(s) Speedy Trial from \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_.

Defendant(s) \_\_\_\_\_ do(es) not waive Speedy Indictment/Trial.

Status conference set for \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ before \_\_\_\_\_, courtroom \_\_\_\_\_, as to defendant(s) \_\_\_\_\_.

Plea hearing set for \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ before \_\_\_\_\_, courtroom \_\_\_\_\_, as to defendant(s) \_\_\_\_\_.

Jury selection set for \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ before \_\_\_\_\_, courtroom \_\_\_\_\_, as to defendant(s) \_\_\_\_\_.

On consent of all parties, the jury selection will be held before Magistrate Judge \_\_\_\_\_.

Jury trial set for \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ before \_\_\_\_\_, courtroom \_\_\_\_\_, as to defendant(s) \_\_\_\_\_.

Defendant(s) \_\_\_\_\_ granted leave to file \_\_\_\_\_.

The following briefing schedule has been set:

- Motion due by: \_\_\_\_/\_\_\_\_/\_\_\_\_.
- Opposition due by: \_\_\_\_/\_\_\_\_/\_\_\_\_.
- Reply (if any) due by: \_\_\_\_/\_\_\_\_/\_\_\_\_.
- Oral Argument set for: \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ before \_\_\_\_\_, courtroom \_\_\_\_\_.

Parties directed to file a proposed briefing schedule for court approval on or before \_\_\_\_/\_\_\_\_/\_\_\_\_.

Government granted leave to file \_\_\_\_\_.

The following briefing schedule has been set:

- Motion due by: \_\_\_\_/\_\_\_\_/\_\_\_\_.
- Opposition due by: \_\_\_\_/\_\_\_\_/\_\_\_\_.
- Reply (if any) due by: \_\_\_\_/\_\_\_\_/\_\_\_\_.
- Oral Argument set for: \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ before \_\_\_\_\_, courtroom \_\_\_\_\_.

Parties directed to file a proposed briefing schedule for court approval on or before \_\_\_\_/\_\_\_\_/\_\_\_\_.

Motion hearing/oral argument held regarding cross motions for summary judgment filed by Danske Bank and the Government \_\_\_\_\_.

- Parties arguments heard.
- Witness(es) for the Government called and sworn; testimony given.
- Witness(es) for the Defense called and sworn; testimony given.
- Exhibits entered into evidence.
- The motion is hereby:  granted;  denied;  granted, in part, and denied, in part.
- Decision entered on the record.
- Written decision to be entered.
- Decision reserved.
- Further hearing set for \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ before \_\_\_\_\_, courtroom \_\_\_\_\_.
- See below for further details.

Evidentiary Hearing held.

- Parties arguments heard.
- Witness(es) for the Government called and sworn; testimony given.
- Witness(es) for the Defense called and sworn; testimony given.
- Exhibits entered into evidence.
- Decision entered on the record.
- Written decision to be entered.
- Decision reserved.
- Further hearing set for \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ before \_\_\_\_\_, courtroom \_\_\_\_\_.
- See below for further details.

Curcio Hearing held.

- Parties arguments heard.
- Defendant informed of the potential danger(s) arising from any conflict(s) of interest.
- Defendant understands and waives any potential conflict(s) of interest and wishes to proceed with current counsel.
- Defendant wishes to relieve current counsel and retain or have new counsel appointed.
- Further hearing set for \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ before \_\_\_\_\_, courtroom \_\_\_\_\_.  
See below for further details.

Bail Application/Modification Hearing held.

- Application denied as to defendant(s) \_\_\_\_\_. The Court finds, by clear and convincing evidence, that no condition or combination of conditions of release of defendant(s) will reasonably assure the safety of any other person and the community.
- Application denied as to defendant(s) \_\_\_\_\_. The Court finds, by a preponderance of evidence, that no condition or combination of conditions of release will reasonably assure defendant(s) appearance as required.
- Application granted as to defendant(s) \_\_\_\_\_. The Court finds that defendant(s) is not a danger to any other person or to the community and that he/she will appear when required.
  - Order(s) Setting Conditions of Release and Bond executed as to defendant(s) \_\_\_\_\_.
- Further hearing set for \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ before \_\_\_\_\_, courtroom \_\_\_\_\_, as to defendant(s) \_\_\_\_\_.  
See below for further details.

Defendant(s) \_\_\_\_\_ remanded to the custody of the US Marshal Service.

- Medical Evaluation Order executed.

Defendant(s) \_\_\_\_\_ remain(s) on bond.

Parties move to seal the record of this proceeding and the application was granted. Transcripts of this proceeding can be made available to the Court, defense counsel and the Government only.

Other:

- Attorney George Kostolampros appearing on behalf of Danske Bank.
- All parties for this hearing are appearing via telephone.
- The Government is directed to file their letter, in accordance with the rulings made on the record, by 12/7/2020.
- A telephone conference, to discuss the limited outstanding discovery issues, is set for 12/10/2020 at 2:00 PM. Parties are to call into the following phone number: 877-366-1829, access code 8689549.